

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS

In re:

Jean Marie Mitchell

Debtor

Chapter 13

Case No. 12-43198

Honorable Henry J. Boroff

OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN

GMAC Mortgage, LLC, a secured creditor in the above captioned Chapter 13 case, hereby objects to the confirmation of the Chapter 13 plan filed by the Debtor on or about October 1, 2012. As grounds for its objection, Creditor states as follows:

1. On May 24, 2004, Jean Mitchell and Clint Mitchell executed the Note to Reliant Mortgage Company LLC in the original principal amount of \$173,000.00 (the "Note"). The Note was subsequently endorsed in blank and transferred over to Creditor (assignee).
2. The Note is secured by a Mortgage to Mortgage Electronic Registration Systems, Inc., dated May 24, 2004 and recorded with the Worcester County (Northern District) Registry of Deeds at Book 5288, on Page 320 (the "Mortgage"). The Mortgage was subsequently assigned to GMAC Mortgage, LLC by Assignment of Mortgage dated November 10, 2009 and recorded with Worcester County (Northern District) Registry of Deeds at Book 7080, page 79. The Mortgage is a First Mortgage on real property owned by the Debtor known and numbered as 90 Sylvan Avenue, Leominster, Massachusetts.
3. GMAC Mortgage, LLC is the current holder of the Note and Mortgage.
4. The Debtor filed a voluntary petition seeking relief under Chapter 13 of the United States Bankruptcy Code on August 31, 2012.
5. On October 1, 2012, the Debtor filed a Chapter 13 plan (the "Plan").

6. The Plan provides for no arrearage to GMAC Mortgage, LLC.
7. The pre-petition arrearage is \$24,933.56 as reflected on soon to be filed Proof of Claim.
8. Debtor has not been approved for a loan modification and has ambiguous language in regards to intention to surrender if not approved. Debtor will need to state specific intention if not approved for a loan modification.

WHEREFORE, GMAC Mortgage, LLC objects to confirmation of the plan in so far as the Plan is not properly funded to cure the pre-petition arrearage. GMAC Mortgage, LLC therefore requests that the Court deny confirmation of the Plan as currently proposed.

GMAC Mortgage, LLC
By its attorneys,

Date: October 4, 2012

/s/ Michael P. Marsille

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